

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

WRIT PETITION NO. 655 OF 2007

Vaishali Ajay Gori Petitioner

versus

Rajendra Shivram Lobi & ors..... Respondent.

Mr. P.M.Pradhan with S.M.Kamble for the petitioner
Mr. Pratap Patil i/b Manoj M.Kadam for the
respondent nos.1 and 2.
Ms. V.S.Mhaispurkar AGP for Respondent no.3.

CORAM; A.P. DESHPANDE, J.
DATED; 6TH JULY, 2007

P.C.;

1. The petitioner is an elected member of Gram panchayat. The husband of the petitioner carries on a proprietary business under the name and style of 'Mahalaxmi Building Materials'. The husband of the petitioner has supplied building material to the Gram Panchayat on many occasions and has received money for the material supplied. The quantity and value of the material is mentioned in the order passed by the Collector. The respondent moved an application seeking disqualification of the present petitioner under section 14(1)(g) of the Bombay Village Panchayat Act 1958. Section 14(1)(g) reads thus:

"No person shall be a member of the Panchayat

or continue as such, has directly or indirectly by himself or his partner, any share or interest in any work done by order of the Panchayat or in any contract with, by or on behalf or employment with or under the Panchayat."

2. The provision is enacted to avoid a conflict between duty and interest. If a person is directly or indirectly interested in some work or contract of Panchayat, there would be a conflict of interest and duty. The present petitioner and her husband are admittedly staying together and the husband of the petitioner is carrying on business of supply of building material and has infact on several occasions supplied the building material to the Panchayat. The question that fell for consideration before the Collector was whether could the petitioner be said to have interest in the work or contract of her husband . The Collector rejected the application holding that the petitioner is not disqualified as she is not a partner in the firm of the husband.

3. Aggrieved by the said order, the respondent carried an appeal before the Commissioner and the Commissioner has allowed the application and declared that the petitioner has incurred disqualiification on

account of the petitioner's interest in the contract or work of her husband with the Panchayat.

4. Perused the order passed by the Commissioner. It takes correct view of the matter. The case of the petitioner squarely falls within the compass of section 14(1)(g). No interference is therefore called for. Writ Petition is summarily dismissed.

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